

Remarks

Claims 1-4, 7-12 and 15-18 have been amended. Claims 5, 6, 13 and 14 have been cancelled.

The Examiner has rejected applicants' claims 5, 6, 13 and 15 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not adequately described in the specification. Applicants have cancelled applicants' claims 5, 6, 13 and 14, thereby obviating the Examiner's rejection.

The Examiner has also rejected applicants' claims 1-3, 5, 6, 8-11, 13, 14 and 16-18 under 35 U.S.C. 102(e) as being unpatentable over the Lipson, et al. (US 6,463,426) patent. The Examiner has further rejected applicants' dependent claims 4, 7, 12 and 15 under 35 USC 103(a) as being unpatentable over the Lipson, et al. patent in view of the Shiiyama (US 6,411,291) patent. The Examiner has argued that the Lipson, et al. patent discloses an acquisition means for acquiring a plurality of image features regarding one image by varying, within a predetermined range, the image features that have been stored in said storage means.

Applicants have amended applicants' independent claims 1, 8, 9 and 16-18, and with respect to such claims, as amended, and their respective dependent claims, the Examiner's rejection is respectfully traversed.

Applicants' independent claims 1, 8, 9, and 16-18 have been amended to better define applicants' invention and to better distinguish the present invention from the cited references. More particularly, applicants' claim 1 has been amended to recite an acquisition means for generating image features by multiplying the image features that have been stored in the storage means by a constant and acquiring plural sets of image features regarding one image by varying the constant. Applicants' independent claims 9, 17 and 18 have been similarly

amended. Additionally, applicants' independent claims 8 and 16 have been amended to recite acquiring new image features by multiplying image features by a constant that differs for every tile. The constructions recited in applicants' independent claims 1, 8, 9, and 16-18 allow a desired image to be retrieved even if the brightness or color tone of a query image are ambiguous. Such constructions are not taught or suggested by the cited art of record.

Specifically, the Lipson, et al. patent discloses an image processing system which compares a query image to each of the images in the storage device and computes a quantitative value or "score" indicative of the closeness of the match to the query image. Col. 7, lines 37-45. The Lipson, et al. patent also discloses plug-in modules which contain a list of image attributes that are important for computing image similarity for a particular application, such as color, luminance and texture. The plug-in modules of the Lipson, et al. patent take as input two or more image regions, compare them to each other and return them as scores of how similar they are to each other. Col. 8, lines 34-43. The Lipson, et al. patent also teaches varying (combining or collapsing) sub-regions or blocks of the primary image to realize efficient processing. In the Lipson, et al. patent, a score indicating the difference between the image regions can be based upon characteristics such as luminance and position and may be computed as a linear combination of the absolute difference of each of the differences. Col. 11, line 55 – Col. 12, line 8.

However, is quite evident from the Lipson, et al. patent that there is nothing taught or suggested in the patent of deriving plural sets of image features regarding one image by multiplying original image features by a constant while varying the constant at each set. In particular, nothing in the passages of the Lipson, et al. patent, including the passages corresponding to Figs. 3-3B and the passages at column 5, line 43, through column 6, line 33,

cited by the Examiner, mention deriving plural sets of image features regarding one image by multiplying original image features by a constant while varying the constant at each set

Accordingly, the Lipson, et al. patent does not teach or suggest multiplying the image features that have been stored in the storage means by a constant to generate image features and varying the constant to acquire plural sets of image features regarding one image.

Moreover, the Lipson, et al. patent fails to teach or suggest acquiring new image features by multiplying image features by a constant that differs for every tile.

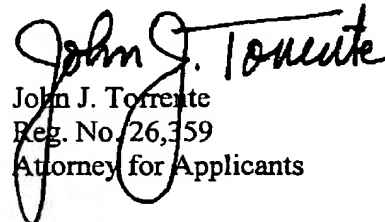
Applicants' amended independent claims 1, 8, 9, and 16-18, and their respective dependent claims, all of which recite one or more of such features, thus patentably distinguish over the Lipson, et al. patent. Moreover, nothing is taught or suggested in the Shiiyama patent to change this conclusion. Applicant's aforementioned claims, and their respective dependent claims, thus also patentably distinguish over the combination of the Lipson, et al. patent and the Shiiyama patent

In view of the above, it is submitted that applicants' claims, as amended, patentably distinguish over the cited art of record. Accordingly, reconsideration of the claims is respectfully requested.

Dated: September 10, 2003

Respectfully submitted,

ROBIN, BLECKER & DALEY
330 Madison Avenue
New York, NY 10017
(212) 682-9640


John J. Torrente
Reg. No. 26,359
Attorney for Applicants